

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MAY - 9 2007

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

v.)

NORMAN EVANS MCELROY, JR.)

CR. NO. 2:07CR104-WKW

[18 U.S.C. § 2252A(a)(2)(A);

18 U.S.C. § 2252A(a)(5)(B)]

INDICTMENT

The Grand Jury charges:

COUNT 1

Sometime between on or about September 8, 2002, and on or about July 21, 2004, the exact date or dates being unknown to the Grand Jury, in Autauga and Elmore Counties and elsewhere within the Middle District of Alabama the defendant,

NORMAN EVANS MCELROY, JR.,

knowingly received and distributed child pornography that had been mailed, and shipped and transported in interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A).

COUNT 2

Sometime between on or about September 8, 2002 and on or about July 21, 2004, the exact date or dates being unknown to the Grand Jury, in Autauga and Elmore Counties and elsewhere within the Middle District of Alabama, the defendant,

NORMAN EVANS MCELROY, JR.,

knowingly possessed material that contained images of child pornography that had been mailed, and shipped and transported in interstate and foreign commerce by any means, including by computer

and that was produced using materials that have been mailed, and shipped and transported in interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B).

COUNT 3

From in or about July, 2006 until on or about March 29, 2007, the exact date or dates being unknown to the Grand Jury, in Autauga and Elmore Counties and elsewhere within the Middle District of Alabama, the defendant,

NORMAN EVANS MCELROY, JR.,

knowingly received child pornography that had been mailed, and shipped and transported in interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A).

COUNT 4

From in or about July, 2006 until on or about March 29, 2007, the exact date or dates being unknown to the Grand Jury, in Autauga and Elmore Counties and elsewhere within the Middle District of Alabama, the defendant,

NORMAN EVANS MCELROY, JR.,

knowingly possessed material that contained images of child pornography that had been mailed, and shipped and transported in interstate and foreign commerce by any means, including by computer and that was produced using materials that have been mailed, and shipped and transported in interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B).

FORFEITURE ALLEGATION

A. Counts 1 through 4 of this indictment are hereby repeated and incorporated herein by

reference.

B. Upon conviction for the violation as alleged in Counts 1, 2, 3, or 4 this indictment, the defendant,

NORMAN EVANS MCELROY, JR.,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253:

(1) any visual depiction described in Title 18, United States Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such offense;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and,

(3) any property, real or personal, used and intended to be used to commit and to promote the commission of such offense.

C. If any of the property described in this forfeiture allegation, as a result of any act an omission of the defendant.

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred and sold to, and deposited with a third person;

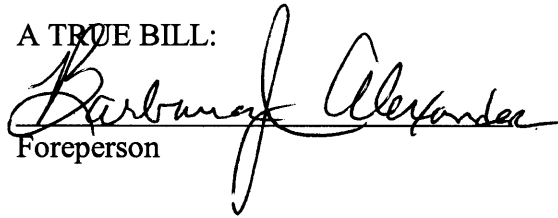
(3) has been placed beyond the jurisdiction of the court;

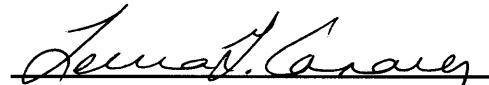
(4) has been substantially diminished in value; or,

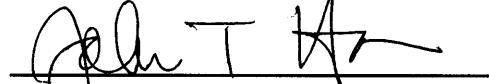
(5) has been commingled with other property which cannot be divided without difficulty; the United States intends to seek an order of this Court forfeiting any other property of said defendant up to the value of any property described in paragraph B above.

All in violation of Title 18, United States Code, Section 2252.

A TRUE BILL:


Foreperson


LEURA G. CANARY
UNITED STATES ATTORNEY


JOHN T. HARMON
Assistant United States Attorney


CHRISTOPHER A. SNYDER
Assistant United States Attorney